

1 JOSEPH P. RUSSONIELLO (CABN 44332)
United States Attorney

2 BRIAN J. STRETCH (CABN 163973)
Chief, Criminal Division

4 ANDREW S. HUANG (CABN 193730)
Assistant United States Attorney

5 1301 Clay Street, Suite 340S
6 Oakland, California 94612
7 Telephone: (510) 637-3680
Facsimile: (510) 637-3724
E-Mail: andrew.huang@usdoj.gov

9 Attorneys for Plaintiff

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11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION

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15 UNITED STATES OF AMERICA,) No. CR 08-0214 VRW
16 Plaintiff,) STIPULATION AND [PROPOSED] ORDER
17 v.) EXCLUDING TIME UNDER 18 U.S.C. § 3161
18 CARLOS D. ARAIZA,)
19)
20 Defendant.)
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22 On May 22, 2008, the parties in this case appeared before the Court for a status hearing.

23 At the time, this case was continued to June 19, 2008 for a change of plea hearing. At the time of
24 the May 22, 2008 hearing, the parties agreed that time through the date of the June 19, 2008
25 change of plea status hearing should be excluded from Speedy Trial Act calculations because, as
26 set forth in more detail here, Assistant Federal Public Defender Steven Kalar was only recently
27 assigned as counsel for the defendant, the defendant's third attorney on this case. Mr. Kalar
28 requires additional time to review certain items of evidence, including computer forensic

1 evidence, in order to adequately advise his client and prepare a defense. Accordingly, the length
2 of the requested continuance, from the time of this stipulation, May 23, 2008, through the date of
3 the June 19, 2008 status hearing is the reasonable amount of time necessary for effective
4 preparation of counsel, taking into account the exercise of due diligence. 18 U.S.C. §
5 3161(h)(8)(B)(iv). Furthermore, failure to grant such a continuance would unreasonably deny the
6 defendant continuity of counsel. Id. The parties also agree that the ends of justice served by this
7 continuance outweigh the best interests of the public and the defendant in a speedy trial. 18
8 U.S.C. § 3161(h)(8)(A).

9

10 **SO STIPULATED.**

11 JOSEPH P. RUSSONIELLO
12 United States Attorney

13 5/23/2008 /s/
14 Date ANDREW S. HUANG
Assistant United States Attorney

15 **SO STIPULATED.**

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17 5/23/2008 /s/
18 Date STEVEN G. KALAR
Counsel for Defendant Carlos D. Araiza

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[PROPOSED] ORDER

For the reasons stated during the May 22, 2008 hearing, and for the reasons identified and stipulated above, the Court finds that the ends of justice served by the requested continuance outweigh the best interests of the public and the defendant in a speedy trial. The Court also finds that time from the date of this Order, May 23, 2008, through June 19, 2008 shall be excluded from Speedy Trial Act calculations for effective preparation and continuity of counsel. 18 U.S.C. § 3161(h)(8)(A). Failing to grant the requested continuance would deny counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and would result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(B)(iv).

SO ORDERED.

DATED:

THE HONORABLE VAUGHN R. WALKER
Chief United States District Court Judge